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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,040	12/08/2006	Hakon Hodne	PROTO106PUSA	9456
22045 7590 12/10/2009 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
MEL XU				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,040

Applicant(s)

HODNE, HAKON

Examiner

Xu Mei

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

DETAILED ACTION

1. This communication is responsive to the applicant's application dated 08/16/2006.

Claim Rejections - 35 USC § 112

2. Claims 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ackerman (US-3,564,729) in view of Frihart (US-3,382,439).

Regarding claims 1 and 6, Ackerman discloses a system for distributing physiological sounds in a training manikin (see Fig. 1), comprising at least one acoustic source, e.g., a loudspeaker, (transducers 21-26) adapted to convert electrical signals from a signal generator (45, 46) into an acoustic signal.

However, Ackerman doesn't not disclose the sound distributing system characterized in that it is an air filled structure comprising coupling means for coupling to the sound source or the acoustic source is coupled to a first end of at least one air filled sound conductor, the second end being coupled to a sound distributor, to conduct the acoustic signal to the sound distributor placed at a distance from the acoustic source.

Frihart discloses a system for distributing sounds (see Figs. 3 and 7) including an air filled structure (sound tube 160) comprising coupling means for coupling to the sound source (see Fig. 7) or the acoustic source (39) is coupled to a first end (36) of at least one air filled sound conductor (sound tube), the second end being coupled to a sound distributor (165), to conduct the acoustic signal to the sound distributor placed at a distance from the acoustic source with the advantage of inexpensive manufacturing material (see col. 3, lines 24-35).

It would have been obvious to one of ordinary skill in that art to modify the sound distributing system of Ackerman with an air filled structure or sound tube that including coupling means for coupling to the sound source for distributing physiological sounds in

a training manikin placed at a distance from the acoustic source with the advantage of inexpensive manufacturing material, as taught by Frihart.

For what's called for in claims 2-3, and 9, see Fig. 7 of Frihart, see coupling means 36 and also sound distributors such as the sound tube or element 165 is an flexible air filled structured formed of a pouch.

Regarding claims 4-5 and 8, the sound tube shown by Frihart is made of a mat of formed plastic (col. 5, lines 45-61) would have inherently maintaining a constant volume to keep the air volume of the sound distributor intact.

Regarding claim 7, see Figs. 6 and 7 of Frihart, wherein sound source 39 is situated in a chamber or housing structure.

Regarding claim 10, the modified sound distributing system by the combinations of Ackerman and Frihart would have provided branched sound distribution from one sound source, as shown by one of the sound source 45 or 46 of Ackerman or the one sound source 11, 13 of Frihart.

Regarding claim 11, Ackerman discloses a multiple of acoustic sources (44-48) are coupling to each other in a stack (see Fig.1).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terzian, Aponte, Coomansingh, Amend et al, and McKinney et al are cited as relevant prior art to the instant application. Each of the cited references discloses different sound reproducing apparatus for a doll or a manikin.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/
Primary Examiner, Art Unit 2614
12/05/2009